

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:09-00271

CLARK A. DIEHL

MOTION FOR SUBSTANTIAL ASSISTANCE

Comes now the United States of America, by Charles T. Miller, United States Attorney for the Southern District of West Virginia, and moves the Court to depart in the sentencing of the defendant in the above-styled action pursuant to Guideline Section 5K1.1. In support of its motion, the United States represents that defendant Clark A. Diehl has provided substantial assistance to the United States in the investigation and prosecution of other persons who have committed offenses.

Respectfully submitted,

/s/CHARLES T. MILLER  
CHARLES T. MILLER  
United States Attorney  
WV Bar No. 2551  
300 Virginia Street, East  
Room 4000  
Charleston, WV 25301  
Telephone: 304-345-2200  
Fax: 304-347-5104  
Email: chuck.miller@usdoj.gov

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "Motion for Substantial Assistance" has been electronically filed and service has been made on opposing counsel by virtue of U.S. mail this the 13th day of May 2010, to:

Benjamin L. Bailey, Esquire  
209 Capitol Street  
Charleston, WV 25301

/s/CHARLES T. MILLER  
CHARLES T. MILLER  
United States Attorney  
WV Bar No. 2551  
300 Virginia Street, East  
Room 4000  
Charleston, WV 25301  
Telephone: 304-345-2200  
Fax: 304-347-5104  
Email: chuck.miller@usdoj.gov